

RESOLUTION NO.

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owners on the value of the property interest, or the damages, if any; **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Capital/Highway 35, Ltd.

Project: Miscellaneous Water Rehabilitation 2009-10 Phase II Project

Public Use: The permanent water line easement described in the attached Exhibit "A" is necessary for the purpose of installing, laying, constructing, maintaining, inspecting, repairing, removing, replacing, renewing, using and operating water lines, together with all facilities, connectors and appurtenances; and

A temporary working space easement described in the attached Exhibit "B" is necessary to permit the City, its agents, employees, and contractors to enter upon said real property for the construction of the above referenced permanent water line and appurtenances.

Location: 5407 North Interstate Highway 35
Austin, Travis County, Texas 78723
The general route covered by this project will include the following areas: Sweet Briar Avenue from Berkman Drive to Dunbury Drive; Dunbury Drive from Sweet Briar Avenue to Briarcliff Boulevard; Dunbury Drive from Briarcliff Boulevard to Chatham Avenue; Chatham Avenue from Dunbury Drive to Berkman Drive; Capital Plaza Rear Parking Lot at Cameron Road from Larkwood Drive to Corona Drive; Northridge Drive from Berkman Drive to Delwood Drive; Westminster Drive from Northridge Drive to Rogge Lane; Loyola Lane from Creighton Lane to Drexel Drive; Arnold Drive from Northeast Drive to Carol Ann Drive; Glencrest Drive from Belfast Drive to Berkman Drive; Glencrest Drive from Cameron Road to Belfast Drive; and Brookside Drive from Wheless Lane to Glencrest Drive.

Property: Described in the attached and incorporated Exhibits
A and B.

ADOPTED: _____, 2012

ATTEST: _____

Shirley A. Gentry
City Clerk

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